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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**

10 MARIBEL VASQUEZ and JOSEPH RIOS, ) Case No.  
11 Plaintiffs, )  
12 v. )  
13 KAWEAH HEALTH MEDICAL CENTER; )  
14 EVA HIRWE, M.D.; SHAMIKA BANKS, )  
M.D.; and DOES 1 to 250, inclusive, )  
15 Defendants. )  
16

17 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

18 The United States hereby removes the above-captioned action from the Tulare County Superior  
19 Court to this Court. The grounds for removal are as follows:

20 1. Removal is specifically authorized by the Federally Supported Health Centers Assistance  
Act (FSHCAA), 42 U.S.C. § 233(c), because the Complaint seeks damages for personal injury resulting  
22 from the performance of medical functions by a deemed employee of the Public Health Service acting in  
23 the scope of such employment. At the time of the events alleged in the Complaint, defendant Eva  
24 Hirwe, M.D., was a “deemed employee” of the Public Health Service under the FSHCAA and was  
25 acting in the scope of such employment at Family HealthCare Network, a federally supported health  
26 center, with respect to the claims of medical malpractice. A formal certification of her “deemed”  
27 employment and scope of employment is filed herewith as Attachment 1. The FSHCAA provides that  
28 upon such certification, “any such civil action or proceeding commenced in a State court shall be

1 removed without bond at any time before trial ... and the proceeding deemed a tort action brought  
2 against the United States ....” 42 U.S.C. § 233(c).

3           2. A copy of all process, pleadings and orders received by the United States is included  
4 herewith as Attachment 2.

5 WHEREFORE, this action is hereby properly removed to this Court.

Respectfully submitted,

7 || Dated: November 28, 2023

**PHILLIP A. TALBERT  
UNITED STATES ATTORNEY**

/s/Jeffrey J. Lodge  
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Assistant United States Attorney  
Attorney for the United States